

	INDIANA DEPARTMENT OF CHILD SERVICES CHILD WELFARE MANUAL	
	Chapter 2: Administration of Child Welfare	Effective Date: April 1, 2013
	Section 1: Requests for Administrative Review	Version: 5

POLICY [REVISED]

The Indiana Department of Child Services (DCS) recognizes the right of each alleged perpetrator to request an Administrative Review of the related Child Abuse and/or Neglect (CA/N) substantiation. The process outlined herein will apply to all substantiated CA/N determinations made on or after October 15, 2006.

This policy does not apply to the following situations:

1. Request for Administrative Review in licensed foster home denials or revocations; or
2. A court proceeding requesting expungement of reports entered into the Child Protection Index (CPI) that are governed by the procedures specified in the law, [IC 31-39-8-4](#);
3. CA/N substantiated assessments involving child care workers or licensed resource parents. See separate policy, [2.3 Child Care Worker Assessment Review Process](#); or
4. CA/N substantiated assessments involving DCS employees. See separate policy, [2.4 Assessment and Review of DCS Staff Alleged Perpetrator](#).

[REVISED] DCS will have **15 calendar days** from approval of the [Assessment of Child Abuse and Neglect \(SF113/CW0311\)](#) to provide [Notice of Assessment Outcome and Right to Request Administrative Review \(Chapter 2 Notification Tool\)](#) and a copy of the redacted [Assessment of Child Abuse and Neglect \(SF113/CW0311\)](#) to the perpetrator by mail or hand delivery. See Practice Guidance or Forms and Tools for [Chapter 2 Notification Tool](#) link.

[REVISED] Note: If an administrative review decision is remanded for further assessment a new notice must be sent. DCS will have 15 calendar days after the DCS decision is complete to provide [Notice of Administrative Decision After Further Assessment by Child Protection Services \(CPS\) \(Chapter 2 Notification Tool\)](#) and a copy of the redacted [Assessment of Child Abuse and Neglect \(SF113/CW0311\)](#) to the perpetrator by mail or hand delivery.

[REVISED] If the substantiation is against a minor, the [Notice of Assessment Outcome and Right to Request Administrative Review \(Chapter 2 Notification Tool\)](#) must be mailed or hand delivered to at least one (1) of the following:

1. Parent;
2. Guardian;
3. Child's attorney (if representation for specific substantiation);
4. Guardian ad Litem; or
5. Court Appointed Special Advocate (CASA), if applicable.

The perpetrator's request for Administrative Review must be made in writing by submitting, [Request for Administrative Review of Child Abuse or Neglect Substantiation \(SF54775\)](#).

[REVISED] If the substantiation is against a minor, the request for an Administrative Review must be completed and submitted by the child's:

1. Parent;
2. Guardian;
3. Child's attorney;
4. Guardian ad Litem; or
5. CASA, if applicable.

[REVISED] The request for Administrative Review by a perpetrator must be **received** by the DCS local office within **fifteen (15) calendar days** from the date that the [Notice of Assessment Outcome and Right to Request Administrative Review \(Chapter 2 Notification Tool\)](#) was mailed or hand delivered to the perpetrator.

Note: If the deadline for the request for an Administrative Review is on a day that the DCS local office is closed, the deadline is extended to the next business day.

[REVISED] Code References:

1. [42 USC 5106a: Grants to States for child abuse and neglect prevention and treatment programs](#)
2. [IC 31-33-18: Disclosure of Reports; Confidentiality Requirements](#)
3. [IC 31-33-26: Child Protection Index](#)
4. [IC 31-39-8-4: Expungement of child abuse or neglect information](#)
5. [465 IAC 3: Administrative Reviews and Hearings](#)

PROCEDURE **[REVISED]**

The Family Case Manager (FCM) responsible for completing the assessment will:

1. Assure timely completion of the [Assessment of Child Abuse and Neglect SF113/CW0311](#). Refer to separate policy, [4.25 Completing the Assessment Report](#); and
2. Send the [Assessment of Child Abuse and Neglect \(SF113/CW0311\)](#) to the Supervisor for approval.

[REVISED] The FCM Supervisor will:

1. Review the [Assessment of Alleged Child Abuse and Neglect \(SF113/CW 0311\)](#) for accuracy and completeness;
2. Consult with the FCM regarding recommendations for redaction to the [Assessment of Child Abuse and Neglect \(SF113/CW0311\)](#), if applicable;
3. **[REVISED]** Type a contact note in Management Gateway for Indiana's Kids (MaGIK) to track redaction;
4. **[REVISED]** "Approve" the [Assessment of Alleged Child Abuse and Neglect \(SF113/CW 0311\)](#) if the FCM Supervisor deems it accurate and complete; and

5. Forward the report electronically to the designated DCS staff instructing consultation with DCS Local Office Attorney for redaction within the **next business day** of approval.

[REVISED] Note: If the assessment is printed without the report source being revealed, redaction is only necessary to protect confidential information above and beyond the report source as stated in [IC 31-33-18](#).

[REVISED] The DCS Local Office Director (LOD) or designee will:

1. Consult with the DCS Local Office Attorney as to proper redaction, if applicable; and
2. **[REVISED]** Ensure proper redaction of the [Assessment of Child Abuse and Neglect \(SF113/CW0311\)](#); and
3. Return the report to the FCM Supervisor within **five (5) calendar days** of approval of the [Assessment of Child Abuse and Neglect \(SF113/CW0311\)](#).

[REVISED] The FCM Supervisor or DCS local office designee will mail or hand deliver the following to each person identified as a perpetrator of substantiated child abuse and/or neglect:

1. **[REVISED]** The [Notice of Assessment Outcome and Right to Request Administrative Review \(Chapter 2 Notification Tool\)](#);
2. Redacted [Assessment of Child Abuse and Neglect \(SF113/CW0311\)](#) to each person identified as a perpetrator of substantiated abuse and/or neglect within **15 calendar days** of the assessment approval date; and
3. [Request for Administrative Review of Child Abuse or Neglect Substantiation \(SF54775\)](#). If all allegations against the individual are classified as unsubstantiated, do not send the alleged perpetrator the request for review form.

If the form [Request for Administrative Review of Child Abuse or Neglect Substantiation \(SF54775\)](#) is submitted by the perpetrator to the DCS local office, see separate policy [2.2 Administrative Review Process](#).

PRACTICE GUIDANCE [REVISED]

[NEW] **The Chapter 2 Notification Tool will be used to send the following Notices:**

1. [Notice of Assessment Outcome and Right to Request Administrative Review \(Section A\)](#);
2. [Notice of Administrative Review Decision to Unsubstantiate Allegations of Child Abuse or Neglect \(Section B\)](#);
3. [Notice of Administrative Review Decision Report Returned for Further Assessment \(Section C\)](#);
4. [Notice of Administrative Decision after Further Assessment \(Section D\)](#);
5. [Notice of Denial of Administrative Review \(Section E\)](#);
6. [Notice of Intent to Substantiate Allegations of Child Abuse or Neglect by a Child Care Worker or Licensed Resource Parent \(Section F\)](#);
7. [Notice of Administrative Review Decision to Further Assess Allegations against a Child Care Worker or Licensed Resource Parent \(Section G\)](#);
8. [Notice of DCS Decision to Unsubstantiate Allegation of Child Abuse or Neglect \(Section H\)](#);

9. [Notice to Employer of a Report of Child Abuse or Neglect Assessment Decision \(Section I\)](#);
10. [Notice of Child Care Worker \(CCW\) Assessment Review Decision for an Assessment Closed Prior to October 15, 2006 \(Section J\)](#);
11. [Notice of an Administrative Review Decision for an Assessment Closed Prior to October 15, 2006 \(Section K\)](#);
12. [Notice of Assessment Outcome for a DCS Employee \(Section L\)](#); and
13. [Notice of Deadline to Reactive Administrative Review or Appeal Request \(Section M\)](#)

[NEW] Instructions for developing a Notice using the Chapter 2 Notification Tool

The Chapter 2 Notification Tool should be used by DCS employees authorized to notify a perpetrator or an employer regarding an assessment conclusion by DCS. The DCS employee should insert language from the appropriate section and place it on DCS local office letterhead. The Notice should be signed by the DCS employee and sent by mail or hand delivered with proper attachments within the allotted timeframe.

[REVISED] Hand Delivery

Hand delivery requires successful face-to-face contact with the perpetrator and a documented contact in MaGIK.

[REVISED] Time computation for sending out the [Notice of Assessment Outcome and Right to Request Administrative Review \(Chapter 2 Notification Tool\)](#) within 15 days:

1. Do not count the date the assessment was approved. Begin with the following day as day one (1); and
2. The Notice must be mailed or hand delivered by the close of business on the 15th day, unless it is a day the office is closed. If the office is closed for business on the 15th day, the time frame is extended until the close of business on the next day that the office is open for business.

[REVISED] Note: For example, if the allegation(s) is approved as substantiated on the 1st of the month, the local office must mail or hand deliver the [Notice of Assessment Outcome and Right to Request Administrative Review \(Chapter 2 Notification Tool\)](#) on or before the close of business on the 16th. If the 16th is a day the office is closed, such as a weekend or a State holiday, the Notice must be mailed or hand delivered to the person identified as the perpetrator before the close of business on the next day that the office is open.

[NEW] Placing Notices and Letters in the file

A copy of the Notice should be sent back to the DCS local office where the assessment was completed and placed in the DCS assessment file. Any letters or Notices received from the perpetrator regarding the assessment should also be placed in the assessment file.

Redaction

Redaction is a process where a document is reviewed thoroughly to omit part of the text prior to release, in order to protect confidential information. All redactions should be done with input from the DCS Local Office Attorney.

The [Assessment of Alleged Child Abuse and Neglect \(SF113/CW0311\)](#) should not have the report source listed as he/she is protected under [IC 31-33-18](#). Indiana law also supports redaction of other information such as addresses, telephone numbers, or information that may harm or endanger another person. Any information that pertains to a confidential address of a non-offending parent and families experiencing domestic violence (e.g., shelter, relocation, new housing) should be redacted. Any disclosures made by the non-offending parent or child(ren) that could affect safety should also be redacted.

The following guidelines should be utilized when redacting documents:

1. Text should not be permanently removed from the document;
2. Redaction should be done on copies, not on original documents;
3. Only distribute photocopies of the redacted version of the document; and
4. Consult with the DCS Local Office Attorney to determine what information needs to be redacted.

Methods of redaction:

1. The easiest way to redact information is to photocopy the original document and use a thick black marker to block out the information to be redacted. This process can also be used with correction fluid (white out). It is imperative that after the information has been hidden with either the marker or white out, a photocopy is made to ensure that the information did not bleed through or can be distinguished when held up to the light; or
2. Cover up tape can also be used to redact information from a document. The cover-up tape can be placed over the areas to be redacted and then photocopied. The copy can then be distributed.

FORMS AND TOOLS [REVISED]

1. [Notice of Assessment Outcome and Right to Request Administrative Review](#) – Available in [Chapter 2 Notification Tool](#)
2. [Assessment of Alleged Child Abuse and Neglect \(SF113/CW 0311\)](#) – Available in MaGIK
3. [Request for Administrative Review of Child Abuse or Neglect Substantiation \(SF54775\)](#)

RELATED INFORMATION

N/A